49. IF SANTA FE HAD A JOINT MESSENGER REMOVED FROM ITS SERVICE, THIS WOULD NOT AFFECT HIS EXPRESS COMPANY SENIORITY IN JOINT SERVICE ON OTHER LINES IN THAT EXPRESS COMPANY DISTRICT.

Los Angeles.

Macmillan 821, 823	Holmquist 897	Lingenfelter 1128

Phoenix.

Pihl 15	Malouf 100

Kansas City.

Jones 704	Cole 1105

50. IF I TAKE A JOINT SERVICE POSITION OUTSIDE OF MY EXPRESS COMPANY SENIORITY DISTRICT, I DO NOT TAKE MY EXPRESS COMPANY SENIORITY WITH ME.

Los Angeles.

Dowding 43-44 Davis 347 George 767

San Francisco.

Ross 200

Phoenix.

Clemens 34

Kansas City.

Walsh 279

51. AS PROVIDED IN THE CLERK'S AGREEMENT, THE EXPRESS COMPANY BULLETINS VACANCIES IN JOINT SERVICE AND ASSIGNS THE JOB TO THE OLDEST QUALIFIED BIDDER. THE BULLETIN SPECIFIES THE PARTICULAR RAILROAD, THE RUN, AND WHETHER IT IS IN JOINT SERVICE. COPY OF THAT BULLETIN IS SENT TO SANTA FE GENERAL BAGGAGE AGENT. TEN DAYS AFTER THE DATE FOR FILING BIDS, THE EXPRESS COMPANY POSTS A NOTICE ON THE BULLETIN BOARD SHOWING WHO IS THE SUCCESSFUL BIDDER, FOLLOWING WHICH HE REPORTS TO THE SANTA FE BAGGAGE CAR OF THAT RUN AND THEREUPON ENTERS JOINT SERVICE ON THE SANTA FE. IF HE IS A NEW MAN, THE MESSENGER IN CHARGE OF THE RUN GIVES HIM HIS FIRST INSTRUCTIONS ON THE HANDLING OF BAGGAGE, MAIL, AND EXPRESS.

Los Angeles.

Dowding 23
Clarkson 102
Scott 148, 160
Moody 193, 202
Beckley 277
Davis 322, 330
Rafoth 368
Matthews 385, 393
Donn 442
Donalson 483
Strawn 511
Feil 529, 538
Pearson 559
Smith 571
Berryman 592
Dierking 616
Taggart 650
Feeney 667
Fuller 695, 705
McNeal 734
George 758
Macmillan 790, 802
Colvin 838
Timpone 871
Holmquist 894
Wixom 912, 921
Thies 948
Rosenthal 977
Squires 990
Ellis 1054
Bay 1064, 1072
Williamson 1094
Lingenfelter 1105, 1112
Lee 1140
Kingman 1184
Moore 1198, 1207
Lozar 1238

San Francisco.

Sopher 17
Hartell 65
Dufalt 78, 84
Slosson 98, 106
Mulholland 125
Hanson 140
Linnell 155
Sallade 167
Southwick 182
Ross 199
Tindall 228
Wolf 248
Davis 257

Phoenix.

Pihl 12
Clemens 38
Schimfessel 69
Malouf 88
Sipes 118

Kansas City.

Downing 8
North 64
Holloway 110
Mallory 153
Rosiere 187
Myers 215
Walsh 269, 282
Neville 313
Spencer 340
Reaves 362
Kurin 385
Callahan 404
Cecil 429
Grimes 453
Powell 466
Brewer 481
Reisinger 487
Sittel 542
Catron 581
Graham 619
Woodburn 638
Merry 676
Holon 687
Jones 697
Seltenreich 730
Baker 769
Cummings 786
Stephens 798, 807
Stewart 824
Powell 847
Dodge 879
Jones 920
Sjoholm 941
Powell 963
Zook 971
White 982
Grove 1052
Cole 1098
Maddox 1261
Graham 1305
Babcock 1324
Eflin 1360
Wilson 1368

52. ANY SANTA FE JOINT SERVICE JOB IS BULLETINED BY THE EXPRESS COMPANY AS ONE FOR THE HANDLING OF BAGGAGE, UNITED STATES MAIL, SANTA FE COMPANY MAIL, AND COMPANY MATERIAL.

Los Angeles.

Dowding 74
Clarkson 102, 114
Beckley 276, 307
Davis 331
Rafoth 353
Donalson 474, 483
Feil 538
Pearson 566
Berryman 601
George 759
Colvin 838, 853
Holmquist 886
Thies 941
Lingenfelter 1104

San Francisco.

Sopher 7, 17
Dufalt 84

Phoenix.

Pihl 13

Kansas City.

Moss 246
Walsh 278
Spencer 348
Kurin 385
Sittel 550
Graham 613
Merry 676
Jones 714
Seltenreich 730
Cummings 786
Stephens 798
Powell 963
Zook 971
Seaton 1128
Smith 1136
Graham 1305
Babcock 1323
Wilson 1381

53. THE TERM "TRAIN BAGGAGEMAN" DOES NOT APPEAR ON THE BULLETIN POSTED BY THE EXPRESS COMPANY.

San Francisco.

Ross 216

54. BEFORE THE COLLECTIVE AGREEMENT BETWEEN THE EXPRESS COMPANY AND THE CLERK'S ORGANIZATION, JOINT SERVICE JOBS WERE NOT BULLETINED FOR BIDS NOR AWARDED ON THE BASIS OF SENIORITY RIGHTS. IN THOSE DAYS THE EXPRESS COMPANY'S CHIEF MESSENGER OR ITS SUPERINTENDENT APPOINTED THE MEN TO THE RUNS. GENERALLY THE JOBS WERE AWARDED ACCORDING TO SENIORITY BUT IT WAS NOT A MATTER OF RIGHT.

Los Angeles.

Colvin 837 — Macmillan 790, 813 — Rosenthal 968 — Smith 1008

Los Angeles, October 3.

Thomas 18, 26 — Sollars 81

San Francisco.

Dufalt 83

Kansas City.

Bradford 1204 — Morgan 1343

55. THERE IS A CONTRACT BETWEEN THE EXPRESS COMPANY AND SANTA FE WHICH PROVIDES FOR JOINT SERVICE, AND BECAUSE WE PERFORM SERVICE DESCRIBED IN THAT CONTRACT WE ARE ENTITLED TO SENIORITY RIGHTS ON THE SANTA FE.

Los Angeles.

Berryman 602
Dierking 624, 627
McNeal 745
Lozar 1246-1247

Los Angeles, October 3.

Thomas 38

San Francisco.

Hartell 64

Kansas City.

Rosiere 194
Kurin 388
Graham 625
Baker 783
Jones 923
Smith 1139
Bradford 1235

56. WE HAVE SENIORITY RIGHTS ON THE SANTA FE IN RESPECT TO THE JOINT WORK. THIS SENIORITY IS SEPARATE AND APART FROM OUR EXPRESS COMPANY SENIORITY. IT IS REALLY THE RIGHT TO WORK FOR THE SANTA FE AS A TRAIN BAGGAGEMAN AND TO BE FREE FROM HAVING THAT JOB TAKEN AWAY OR INTERFERRED WITH BY ANY ONE ELSE. OUR RIGHT TO THE WORK ORIGINATES IN OUR HAVING PERFORMED IT SATISFACTORILY FOR MANY YEARS AS A SANTA FE EMPLOYEE. (WHERE WITNESS DID NOT CLAIM TO HAVE SENIORITY RIGHTS ON THE SANTA FE, THIS IS INDICATED BY THE WORD "NO" AFTER HIS NAME.)

Los Angeles.

Dowding 22
Clarkson 123
Scott 158-159
Moody 234
Davis 330-332
Matthews 393, No.
Donn 454, No.
Strawn 511-512, No.
Pearson 560, No.
Berryman 601-603
Dierking 623
Feeney 675
McNeal 735
Peterson 776, No.
Macmillan 803, No.
Colvin 840
Timpone 872
Holmquist 895, No.
Wixom 920
Thies 948, No.
Rosenthal 976
Ellis 1053, No.
Lingenfelter 1113
Lee 1141, No.
Lamb 1163, No.
Kingman 1184
Moore 1208-1209
Lozar 1240, No.

San Francisco.

Sopher 18-20, No.
Hartell 64-65
Dufalt 85
Slosson 105
Mulholland 125, No.
Sallade 169, No.
Tindall 229, No.

Phoenix.

Clemens 38-40, No.
Schimfessel 76, No.
Malouf 87, 99
Sipes 117, 120, 122, 123

Kansas City.

Downing 39
North 74-75
Holloway 114, 115
Mallory 153
Rosiere 194
Moss 251-256
Walsh 272, 281
Neville 318
Spencer 348
Kurin 384
Callahan 405
Cecil 434
Powell 466
Brewer 477
Reisinger 512
Sartwell 526, No.
Sittel 545, No.
Catron 583
Hester 601, No.
Graham 621
Woodburn 639
Yarnell 646
Melson 651
Mitchell 660
Holon 687
Stewart 755
Baker 766-767
Cummings 788
Stewart 827
Troutwine 899, 906
Jones 927
Sjoholm 947
White 988
Morris 998
Grove 1035
Randell 1091
Seaton 1131
Wait 1159
Bradford 1214
Maddox 1266
Beeney 1275
Kelly 1311
Burbett 1410

57. WE HAVE SUPERIOR RIGHTS TO HANDLE BAGGAGE AND TO PERFORM ALL THE SANTA FE WORK INCLUDED IN THE TERM "JOINT SERVICE." THOSE RIGHTS ARE RECOGNIZED IN THE COLLECTIVE AGREEMENT BETWEEN THE SANTA FE AND ITS BRAKEMEN. ARTICLE 23 OF THE AGREEMENT BETWEEN THE BROTHERHOOD OF RAILROAD TRAINMEN AND THE SANTA FE CONTAINS THAT PROVISION.

Kansas City.

Callahan 407 Wilson 1371, 1387

58. IN MY OCCUPATION AS A TRAIN BAGGAGEMAN ON THE SANTA FE, I CLAIM THAT I AM A SANTA FE EMPLOYEE BECAUSE I WORK ON THE SANTA FE TRAIN; I HANDLE SANTA FE BUSINESS; AND IN ALL THIS I AM INSTRUCTED BY THE SANTA FE'S GENERAL BAGGAGE AGENT. I MAKE REPORTS OF ALL MY WORK, EXCEPT THE HANDLING OF EXPRESS, TO THE SANTA FE. I RECEIVE PASSES FROM THE SANTA FE, UNDER THE SAME REGULATIONS AS ITS OTHER EMPLOYEES. THE BULLETIN WHICH ADVERTISES THE JOB STATES THAT IT IS FOR THE HANDLING OF BAGGAGE, MAIL, AND COMPANY MATERIAL ON A SANTA FE RUN. WHEN I AM ASSIGNED TO THE RUN AND THEN GO ON THE JOB, I BECOME A SANTA FE EMPLOYEE.

Los Angeles.

Dowding 69, 75
Clarkson 121
Scott 169, 183
Moody 211, 237
Morrison 259
Beckley 293, 309, 315
Davis 338
Rafoth 375
Matthews 398
Parrey 427
Donn 439, 459
Donalson 491, 492
Strawn 519
Feil 544, 545
Pearson 566
Smith 584
Berryman 603, 609
Dierking 623, 628
Taggart 660-661
Feeney 688
Fuller 712
McNeal 739
George 763
Macmillan 810
Colvin 846
Timpone 879
Holmquist 901-902
Wixom 929
Thies 955
Rosenthal 984
Squires 1002
Smith 1034
Ellis 1060, No.
Bay 1080
Williamson 1099
Lingenfelter 1120, 1126
Lee 1147
Lamb 1160, 1167
Kingman 1191
Moore 1209, 1217
Lozar 1245

Los Angeles, October 3.

Thomas 30

San Francisco.

Sopher 27
Hartell 69
Dufalt 90, 91
Slosson 109
Mulholland 128
Hanson 145
Linnell 154, 159
Sallade 169
Ross 218
Tindall 239
Wolf 251
Davis 263

Phoenix.

Pihl 19
Clemens 51, 54
Schimfessel 67, 74
Malouf 101
Sipes 120, 121, 133

Kansas City.

Downing 23
North 75, 83
Bushnell 131
Mallory 160
Rosiere 197
Myers 231
Moss 255
Walsh 275, 287
Neville 323, 327
Reaves 365
Kurin 386
Callahan 410
Cecil 437, 439
Powell 468
Brewer 476
Reisinger 512
Sartwell 526
Sittel 545
Dugger 561
Catron 585
Hester 601
Graham 624
Yarnell 645
Jesmore 671
Merry 679
Holon 689
Jones 699, 723
Seltenreich 736
Stewart 755
Baker 766
Cummings 793
Stephens 804
Stewart 827
Powell 845
Holzapfel 866
Dolge 881
Troutwine 902
Jones 922
Sjoholm 946
Powell 965
Zook 976
White 987
Morris 998
Gulner 1010
Robinson 1066
Rogers 1074
Randell 1091
Cole 1100, 1104
Scott 1112, 1113
Park 1123
Seaton 1131
Smith 1139-1140
Cunningham 1168
Bodine 1178
Bradford 1219
Maddox 1265
Beeney 1275
Pfeiffer 1285
Graham 1294
Kelley 1311
Morgan 1344
Sewell 1352
Eflin 1361
Wilson 1367, 1375
Davis 1435

59. SANTA FE OFFICIALS HAVE TOLD US THAT WE WERE SANTA FE EMPLOYEES.

Los Angeles.

Rafoth 377

Kansas City.

North 86-87
Walsh 287
Graham 617

Baker 773
Cole 1104

Bradford 1215
Davis 1433, 1435

60. WE ARE JOINT EMPLOYEES OF BOTH COMPANIES—THE RAILWAY EXPRESS COMPANY AND THE SANTA FE. SANTA FE DID NOT HIRE US DIRECTLY BUT IT EMPLOYED US INDIRECTLY TO WORK FOR IT AS TRAIN BAGGAGEMEN. SANTA FE AT ALL TIMES KNEW WE WERE DOING THE WORK AND PERMITTED US TO CONTINUE DOING IT.

Los Angeles.

Dowding 32, 73-74
Davis 349, 350
Matthews 398
Taggart 660-662
Fuller 712
McNeal 739
George 764
Holmquist 901-902
Bay 1062
Lozar 1246

Los Angeles, October 3.

Thomas 42

San Francisco.

Sopher 27
Dufalt 91
Slosson 109
Hanson 145
Southwick 184
Ross 209, 217-218
Wolf 251

Phoenix.

Clemens 23
Malouf 96, 102
Sipes 122, 124, 134

Kansas City.

North 64, 83, 100
Mallory 161
Rosiere 186
Walsh 283
Neville 326
Kurin 386
Callahan 405
Cecil 437
Grimes 455
Powell 468
Brewer 476
Sittel 545
Dugger 563
Catron 585
Hester 601
Graham 625
Yarnell 644
Melson 651
Mitchell 660
Jesmore 672
Merry 679
Jones 712, 723, 725
Baker 766, 776
Cummings 793

Stephens 802
Powell 844, 853
Holzapfel 865
Dodge 875
Troutwine 902
Sjoholm 946
Powell 964
Grove 1033, 1035
Robinson 1066
Eppler 1152
Wait 1159
Bradford 1213
Pfeiffer 1285
Graham 1295
Williams 1357
Wilson 1374
Burbett 1409
Davis 1426, 1435
Dorman 1446
Kelley 1455

61. WHILE RUNNING IN JOINT SERVICE ON ANY RAILROAD, WE ARE EMPLOYEES OF THAT RAILROAD SO LONG AS WE HANDLE THEIR BUSINESS AND SERVE THEM. TAKING THIS WORK AWAY FROM US AND GIVING IT TO SOMEBODY ELSE IS INTERFERING WITH OUR WORK AND DISCRIMINATING AGAINST US.

Los Angeles.

Dierking 629

Los Angeles, October 3.

Thomas 28

San Francisco.

Linnell 159 Sallade 170, 172 Davis 263

Kansas City.

Downing 23, 26
Mallory 160
Osborn 179
Rosiere 197, 209
Myers 232
Moss 246, 251, 258
Walsh 286
Grimes 454-456
Reisinger 512
Graham 626
Jones 723
Wilson 1368

62. IF THE SANTA FE GIVES THE BRAKEMEN THE RIGHT TO DO THE WORK WHICH WE HAVE BEEN PERFORMING IN JOINT SERVICE FOR THE SANTA FE, WE WOULD LOSE THE DIFFERENTIAL PAY AND SOME OF US MIGHT GET BUMPED OFF OUR JOBS ENTIRELY IF WE DID NOT HAVE ENOUGH SENIORITY TO PROTECT US. IN ADDITION TO THIS, OUR ANNUAL PASS RIGHTS WOULD BE LOST AND OUR PENSION RIGHTS WOULD BE ADVERSELY AFFECTED.

Los Angeles.

Dowding, 87, 93
Clarkson 129, 133
Scott 170, 176
Moody 212, 223
Morrison 260
Beckley 295
Davis 338
Matthews 399, 401
Parrey 428
Donn 460, 492
Strawn 520
Smith 584, 587
Feeney 684, 685
Fuller 714, 717
McNeal 742
George 764, 765
Peterson 783-784
Colvin 849, 856
Timpone 880
Holmquist 906
Wixom 933
Thies 957
Rosenthal 985
Squires 1003
Smith 1035
Bay 1082, 1083
Williamson 1099, 1100
Lingenfelter 1124
Lee 1150
Lamb 1169-1170
Kingman 1192
Lozar 1247

San Francisco.

Soper 32, 33, 43
Hartell 72
Dufalt 93-94
Slosson 110, 113
Mulholland 130
Sallade 175
Southwick 186
Tindall 239

Phoenix.

Clemens 46

Kansas City.

Downing 24, 30, 40
North 84
Holloway 114, 116
Bushnell 133
Mallory 148, 162
Osborn 180
Rosiere 198, 206
Myers 233, 235
Moss 256
Walsh 283
Neville 325
Spencer 356
Reaves 365
Kurin 384
Callahan 413
Cecil 437, 446
Grimes 458
Powell 469
Brewer 483
Reisinger 502, 510
Sittel 545
Dugger 562
Catron 589
Graham 628
Woodburn 641
Melson 655
Mitchell 664
Holon 691
Seltenreich 748
Stewart 758-759
Cummings 796
Stephens 809, 813
Stewart 828
Holzapfel 871
Dodge 883
Jones 924
Sjoholm 948
Powell 968-969
White 989, 990
Grove 1042
Randell 1092
Cole 1100
Seaton 1132
Wait 1159
Bradford 1218
Maddox 1267
Beeney 1274
Abney 1289
Graham 1296
Kelley 1314
Wilson 1382
Barker 1402
Burbett 1410
Davis 1426
Huff 1441
Dorman 1447
Adams 1460

63. BECAUSE WE HAVE A PRIOR RIGHT TO THE JOB OF HANDLING THE SANTA FE PART OF WHAT IS CALLED "JOINT SERVICE" ON THE SANTA FE, WE WOULD HAVE A CLAIM AGAINST ANYBODY WHO TOOK THE JOB AWAY FROM US, WHETHER IT WAS THE BROTHERHOOD OF RAILROAD TRAINMEN OR SANTA FE. OUR CLAIM WOULD BE BASED ON THE LOSS OF EARNINGS AND THE LOSS OF ALL THE FORMER RIGHTS AND PRIVILEGES WHICH BELONGED TO US AS JOINT SERVICE EMPLOYEES AND ON THE FACT THAT WE HAVE BEEN DISCRIMINATED AGAINST AND OUR RIGHT TO WORK HAS BEEN VIOLATED.

Los Angeles.

Holmquist 908

San Francisco.

Hanson 145

Kansas City.

Downing 39
North 83
Bushnell 131
Mallory 161
Osborn 180
Rosiere 198
Myers 223
Moss 254
Walsh 283
Neville 324
Spencer 348
Reaves 364
Kurin 387
Callahan 410
Cecil 437
Grimes 460
Sartwell 532
Sittel 544
Dugger 563
Graham 628
Melson 655
Stewart 759
Stephens 815
Stewart 829
Sjoholm 954
Morris 1000
Rogers 1076
Randell 1092
Park 1126
Seaton 1132
Smith 1148
Eppler 1150
Cunningham 1171
Bodine 1179
Bussell 1183
Bradford 1219, 1254
Graham 1297
Wilson 1386
Barker 1402
Davis 1427
Reynolds 1437
Huff 1441
Kelley 1455
English 1465

64. IF SANTA FE GIVES THE BRAKEMEN THE WORK WE HANDLED AS TRAIN BAGGAGEMEN WE SHOULD HAVE RECOURSE AGAINST THE SANTA FE. (WHERE THE WITNESS ANSWERED "NO", THAT IS INDICATED OPPOSITE HIS NAME.)

Los Angeles.

Clarkson 126
Moody 212
Beckley 310
Davis 338
Rafoth 375
Matthews 400
Donn 459, 465
Donalson 492
Strawn 520
Feil 545
Pearson 566
Berryman 609
Dierking 629
Feeney 682
McNeal 740, 741
Macmillan 811
Colvin 847
Timpone 880
Thies 956
Rosenthal 985
Squires 1002
Smith 1034
Bay 1081, No.
Williamson 1100
Lingenfelter 1120
Lee 1147, No.
Lamb 1172
Moore 1217
Lozar 1247

San Francisco.

Sopher 27
Hartell 70
Dufalt 90
Mulholland 129
Linnell 160
Tindall 240

Phoenix.

Pihl 20
Clemens 46
Schimfessel 75
Malouf 96
Sipes 133

Kansas City.

Downing 24
North 82-83
Holloway 113
Bushnell 133
Mallory 161
Osborn 180
Rosiere 198
Moss 255
Walsh 283
Neville 323
Callahan 410
Grimes 457
Powell 468
Brewer 480
Sartwell 527, 532
Catron 585
Graham 623
Stewart 828
Holzapfel 872
Dodge 883
Troutwine 903
Cole 1101
Eppler 1153
Bradford 1253-1254
Maddox 1267
Beeney 1275
Abney 1291
Sewell 1355
Burbett 1410
Reynolds 1439
Adams 1460

65. I WOULD HAVE A CLAIM AGAINST ANY RAILROAD IN THE DISTRICT WHERE I HAVE SENIORITY RIGHTS, IF THAT RAILROAD DISCONTINUED JOINT SERVICE AND GAVE MY WORK TO SOME ONE ELSE.

Kansas City.

Downing 42 Moss 258

66. WHILE I WAS IN MILITARY SERVICE, THE JOINT POSITIONS WERE ABOLISHED. I APPLIED TO THE EXPRESS COMPANY FOR REINSTATEMENT. I DID NOT APPLY TO SANTA FE. I THOUGHT THE CLERK'S ORGANIZATION WOULD TAKE CARE OF WHAT WAS NECESSARY, BUT THEY TOLD ME THE JOB WAS ABOLISHED.

Kansas City.

Mitchell 662-666 Jesmore 673 Bussell 1183-1185

67. ON THE EASTERN AND WESTERN LINES JOINT SERVICE NO LONGER EXISTS ON THE SANTA FE, BUT IT EXISTS ON ALL OTHER RAILROADS. IT WAS CUT OFF ABOUT SEPTEMBER 15, 1945, BUT I DON'T KNOW WHY. ALL OF THE WORK WHICH USED TO BE PERFORMED BY THE JOINT SERVICE MEN WAS RE-BULLETINED AS EXCLUSIVE BAGGAGE JOBS FOR THE B. OF R. T. BY SANTA FE AND EXCLUSIVE EXPRESS JOBS BY THE RAILWAY EXPRESS AGENCY. SEVERAL WEEKS BEFORE WE WERE OFFICIALLY NOTIFIED THAT JOINT SERVICE WAS BEING DISCONTINUED, WE HAD HEARD RUMORS THAT THE BRAKEMEN WERE CLAIMING OUR WORK. WE DID NOT KNOW FOR SURE UNTIL THE BRAKEMEN BEGAN MAKING STUDENT TRIPS. ANY NOTICE FROM THE SANTA FE OR EXPRESS COMPANY WAS GIVEN TWO OR THREE DAYS BEFORE ACTUAL DISCONTINUANCE OF JOINT SERVICE. SANTA FE GENERAL BAGGAGE AGENT INSTRUCTED US TO TURN IN OUR ANNUAL PASSES.

Kansas City.

Downing 22
North 101-103
Holloway 113
Bushnell 137
Mallory 167
Rosiere 197
Walsh 274, 303
Neville 323, 330
Kurin 394
Callahan 411, 424
Cecil 444
Brewer 483
Reisinger 488, 504
Sartwell 516, 531
Sittel 544
Hester 606
Graham 616
Melson 652
Mitchell 662
Holon 690
Jones 715
Seltenreich 749
Stewart 757
Baker 777
Stephens 813
Stewart 827
Powell 850
Dodge 882
Troutwine 903
Jones 935
Sjoholm 948, 955
Powell 968
White 989
Grove 1027, 1042
Randell 1092
Cole 1100
Seaton 1132
Wait 1159
Bradford 1252
Maddox 1266
Abney 1289
Babcock 1328
Morgan 1346, 1350
Sewell 1354
Williams 1358
Eflin 1363
Wilson 1378, 1382, 1388
Burbett 1408
Dorman 1447
English 1463

68. WHEN WE WERE TAKEN OFF THE JOINT SERVICE RUNS ON THE EASTERN AND WESTERN LINES, THE SAME DUTIES WHICH WE HAD BEEN PERFORMING WERE ASSIGNED TO THE BRAKEMEN. ON REQUEST FROM THE GENERAL BAGGAGE AGENT, WE INSTRUCTED THE BRAKEMEN HOW TO DO THIS WORK. THESE BRAKEMEN KNEW NOTHING ABOUT WORK OF A TRAIN BAGGAGEMAN. SOME OF THEM HAVE BEEN WORKING AS BRAKEMEN ONLY A FEW DAYS.

Kansas City.

Downing 35
Holloway 120, 123
Mallory 165
Rosiere 207
Moss 261
Walsh 301-302
Neville 329, 333
Cecil 443
Reisinger 504
Sartwell 531
Baker 779
Sjoholm 955
Gulner 1017
Grove 1060

69. AFTER THE BRAKEMEN TOOK OVER THE SANTA FE PART OF THE WORK WHICH WE DID IN JOINT SERVICE ON THE SANTA FE, I OBSERVED THAT THEY WERE INCOMPETENT TO DO THE WORK AS IT SHOULD BE DONE.

Los Angeles.

Dowding 49, 68

San Francisco.

Tindall 242

Kansas City.

Downing 35
Holloway 122-123
Mallory 173
Neville 329, 333
Reaves 370
Kurin 396
Sartwell 531
Troutwine 911
Gulner 1013-1016
Grove 1060
Wilson 1383, 1387-1390, 1394

70. MY SENIORITY AS A TRAIN BAGGAGEMAN ON THE EASTERN AND WESTERN LINES GIVES ME THE RIGHT TO WORK ON ANY RAILROAD WHICH RUNS WITHIN THE RAILWAY EXPRESS AGENCY DISTRICT WHERE I HOLD SUCH RIGHTS. I AM STILL PERMITTED TO WORK ON ANY RAILROAD IN THE DISTRICT WHERE I HOLD SENIORITY, EXCEPT THE SANTA FE, BUT ON SOME RAILROADS IN OUR SENIORITY DISTRICT THERE ARE FEWER RUNS THAN BEFORE, AND MY OPPORTUNITY TO WORK IN JOINT SERVICE ON THOSE ROADS IS REDUCED.

Kansas City.

Downing 4
Rosiere 199
Sartwell 533
Stephens 813
Stewart 829
Powell 839
Holzapfel 871
White 990
Gulner 1017
Smith 1142-1143
Eppler 1152
Bell 1191
Wilson 1383
English 1467

71. EXPLANATION OF HOW "BUMPING" WORKED AS A RESULT OF PUTTING THE ADJUSTMENT BOARD AWARDS INTO EFFECT, SEPTEMBER 15, 1945, ON THE EASTERN AND WESTERN LINES.

Kansas City.

Holloway 118	Stephens 813	Barker 1402
Osborn 183	Powell 839	Davis 1426
Reisinger 502	Sjoholm 951-952	Huff 1441
Seltenreich 747	Eppler 1152	Kelley 1458
Cummings 796		

72. ON THE EASTERN AND WESTERN LINES THE EXCLUSIVE MESSENGERS ARE NOW HANDLING AS EXPRESS MANY ITEMS WHICH THEY FORMERLY HANDLED FOR THE SANTA FE IN THEIR WORK AS JOINT SERVICE MESSENGERS. COMPANY MATERIAL WHICH USED TO BE HANDLED AS DEADHEAD BAGGAGE IS NOW DEADHEAD EXPRESS. THE INSTRUCTIONS IN THIS RESPECT COME FROM THE EXPRESS COMPANY—NOT FROM THE SANTA FE. AS EXCLUSIVE MESSENGERS, THEY STILL HANDLE SANTA FE'S PAYCHECKS AND THEIR MONEY UNDER DEADHEAD EXPRESS.

Kansas City.

Downing 53-54
North 66-67, 90-91
Mallory 145, 167
Rosiere 188, 207
Myers 218
Walsh 266, 300
Neville 329
Callahan 414
Graham 627
Wait 1162-1164

73. THE NATIONAL RAILROAD ADJUSTMENT BOARD NEVER SENT ME ANY NOTICE ABOUT THE DISPUTE WHICH RESULTED IN AN AWARD BY THE BOARD TO THE EFFECT THAT NOBODY COULD HANDLE BAGGAGE ON THE SANTA FE UNLESS HE WAS A PERSON HOLDING SENIORITY AS A BRAKEMAN ON THE SANTA FE. I HAD HEARD RUMORS FROM TIME TO TIME THAT THE BRAKEMEN WERE CLAIMING THAT WE HAD NO RIGHT TO HANDLE BAGGAGE ON THE SANTA FE, BUT THERE WAS NOTHING DEFINITE ABOUT IT. I NEVER GOT A NOTICE FROM THE BOARD OR ANY ONE ELSE TO ATTEND A HEARING ON SUCH A A CLAIM.

Los Angeles.

Dowding 67 Clarkson 137 Donalson 494

Kansas City.

Downing 40
North 99, 104
Osborn 180
Rosiere 197
Walsh 305
Neville 324, 335
Kurin 396
Callahan 412
Cecil 446
Brewer 484
Reisinger 514
Sartwell 516
Sittel 554
Hester 606
Graham 628
Holon 690
Stewart 828
Dodge 883
Jones 924
Randell 1092
Smith 1143, 1147
Davis 1425
English 1464

74. I KNOW THAT A SUIT HAS BEEN FILED IN KANSAS CITY BY ONE OF THE JOINT MESSENGERS NAMED TEMPLETON AGAINST THE SANTA FE AND THE B. OF R. T. I KNOW WHAT THE SUIT IS ABOUT AND I CLAIM THAT I BELONG TO THE CLASS REPRESENTED BY TEMPLETON AND I AGREE TO BE BOUND BY THE RESULT OF THE SUIT.

Los Angeles.

Dowding 31
Clarkson 50
Scott 168
Moody 210
Morrison 258
Beckley 293
Davis 337
Rafoth 374
Matthews 397
Parrey 426
Donn 459
Donalson 490
Strawn 519
Feil 544
Pearson 565
Smith 583
Berryman 609
Dierking 627-628
Taggart 659
Feeney 681
Fuller 711
McNeal 738
George 763
Peterson 780
Macmillan 810
Colvin 845
Timpone 879
Holmquist 901
Wixom 928
Thies 954
Rosenthal 983
Squires 1001
Smith 1033
Ellis 1059
Bay 1079
Williamson 1098
Lingenfelter 1119
Lee 1146
Lamb 1166
Kingman 1190
Moore 1216
Lozar 1245

San Francisco.

Sopher 26
Hartell 68
Dufalt 89
Slosson 109
Mulholland 128
Hanson 144
Linnell 159
Sallade 168
Southwick 184
Ross 204
Tindall 238
Wolf 251
Davis 262

Phoenix.

Pihl 18
Clemens 45
Schimfessel 74
Malouf 95
Sipes 132

Kansas City.

Downing 22
North 81
Holloway 112
Bushnell 131
Mallory 160
Osborn 179
Rosiere 197
Myers 231
Moss 254
Walsh 283
Neville 323
Spencer 348
Reaves 364
Kurin 387
Callahan 409
Cecil 436
Grimes 457
Powell 468
Brewer 479
Reisinger 512
Sartwell 527
Sittel 547
Dugger 561
Catron 585
Hester 605
Graham 622
Woodburn 640
Yarnell 646
Melson 654
Mitchell 660
Jesmore 673
Merry 679
Holon 689
Jones 699
Seltenreich 737
Stewart 756
Baker 768
Cummings 792
Stephens 806
Stewart 827
Powell 845
Holzapfel 866
Dodge 883
Troutwine 904
Jones 924
Sjoholm 948
Powell 966
Zook 977
White 990
Morris 1000
Gulner 1012
Grove 1043
Robinson 1067
Rogers 1074
Randell 1092
Cole 1101
Scott 1113
Park 1124
Seaton 1133
Smith 1144
Eppler 1150, 1153
Wait 1160
Cunningham 1169
Bodine 1178
Bussell 1183
Bell 1192
Bradford 1218
Maddox 1267
Beeney 1275
Pfeiffer 1285
Abney 1290
Graham 1297
Kelly 1315
Babcock 1326
Allen 1338
Morgan 1344
Sewell 1353
Williams 1357
Eflin 1361
Wilson 1367, 1376
Barker 1402
Burbett 1410
Davis 1427
Reynolds 1437
Huff 1442
Dorman 1448
Kelley 1456
Adams 1460
English 1465

75. WAIVER OF SIGNATURE.

Every one of the 152 witnesses was asked if he was willing to waive signature and permit the deposition to be filed as if it had been signed by him, and he answered "Yes." Since this is undisputed, the citation of page references as to each witness would be of no advantage to any one.

FILED
OCT 23 19
CHARLES ELMORE C
O

Supreme Court of the United States

OCTOBER A. D., 1950, TERM.

No. 180.

BROTHERHOOD OF RAILROAD TRAINMEN, A VOLUNTARY UNINCORPORATED ASSOCIATION, PETITIONER,

VS.

HAROLD H. TEMPLETON, THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, A CORPORATION, AND PANHANDLE AND SANTA FE RAILWAY COMPANY, A CORPORATION, RESPONDENTS.

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

R. Carter Tucker,
John Murphy,
J. Gordon Siddens,
All of 831 Scarritt Building,
Kansas City 6, Missouri,
Counsel for Petitioner.

Tucker, Murphy, Wilson & Siddens,
831 Scarritt Building,
Kansas City 6, Missouri,
Of Counsel.

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